

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

WALTER LOPEZ,) No. CV 11-07273-JST (VBK)
Petitioner,)
) ORDER ACCEPTING FINDINGS AND
) RECOMMENDATIONS OF UNITED STATES
v.) MAGISTRATE JUDGE
WARDEN,)
Respondent.)
)

Pursuant to 28 U.S.C. §636, the Court has reviewed the First Amended Petition for Writ of Habeas Corpus ("First Amended Petition"), the records and files herein, and the Report and Recommendation of the United States Magistrate Judge ("Report").

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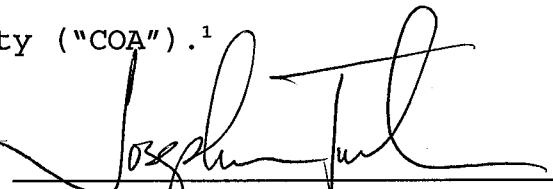
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1 **IT IS ORDERED** that: (1) the Court accepts the findings and
2 recommendations of the Magistrate Judge, and (2) the Court declines to
3 issue a Certificate of Appealability ("COA").¹

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5 DATED: 11/16/11


JOSEPHINE STATON TUCKER
UNITED STATES DISTRICT JUDGE

20 ¹ Under 28 U.S.C. §2253(c)(2), a COA may issue "only if the
21 applicant has made a substantial showing of the denial of a
22 constitutional right." The Supreme Court has held that, to obtain a
23 Certificate of Appealability under §2253(c), a habeas petitioner must
24 show that "reasonable jurists could debate whether (or, for that
matter, agree that) the petition should have been resolved in a
25 different manner or that the issues presented were 'adequate to
deserve encouragement to proceed further.' Slack v. McDaniel, 529
26 U.S. 473, 483-84, 120 S.Ct. 1595 (2000) (internal quotation marks
omitted); see also Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S.Ct.
27 1029 (2003). After review of Petitioner's contentions herein, this
Court concludes that Petitioner has not made a substantial showing of
the denial of a constitutional right, as is required to support the
issuance of a COA.